IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT **PETITION NO.1890 OF 2006**

Deepali Kashinath Gaikwad & Anr..Petitioners

Versus

1.State of Maharashtara & Anr.Respondents

Mr. R.K.Mendadkar, for the Petitioenrs

Mr. R.M. Sawant, Govt. Pleader for Respondents.

CORAM: **F.I. REBELLO &**

MRS.V.K.TAHILRAMANI, JJ.

DATE: 20th July,2006

P.C.

. Rule. Heard forthwith.

2. The Committee after considering the school records of the petitioners father's elder brother and aunts arrived at a conclusion that the petitioners do not belong to Mahadev Koli ST. The petitioners' father's and younger sister's school records show the tribe as Mahadev Koli. Considering that there were documents which were prior to the presidential notification the Committee did not accept the subsequent documents. That would be the correct approach.

3. However, in the instant case the learned Counsel draws our attention to the report of the Research Officer, who in his concluding remarks has set out that the traits and characteristics as disclosed on examination of the petitioners' father would indicate that he belongs to Mahadev Koli ST. The Committee after having accepted the pre-Presidential Notification documents did not addressed itself to this issue. Considering that there were documents both pre-Presidential and subsequent and the report of the Research Officer, and as the decision of the Committee on facts for all purposes is final subject to the supervisory jurisdiction of this Court, in our opinion, the interest of justice would be met if the order is set aside and the matter is remanded back to the Committee for reconsideration.

. The Committee to consider the report of the Research Officer as also the documentary evidence and thereafter to pass appropriate orders according to law. The petitioner to appear before the Committee on 21st August, 2006 at 11.00 a.m. The Committee thereafter to dispose of the same at any rate not later than six months from the date of first appearance.

(**F.I. REBELLO, J)**

(**MRS.V.K.TAHILRAMANI, J).**